

**FILED**

**JUL 21 2006**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

FORTUNATO DIAZ; JESUS  
FERNANDO DIAZ ALCANTARA,

Petitioners,

v.

ALBERTO R. GONZALES, Attorney  
General,

Respondent.

No. 05-74577

Agency Nos. A97-347-077  
A97-347-078

MEMORANDUM\*

On Petition for Review of an Order of the  
Board of Immigration Appeals

Submitted July 17, 2006\*\*

Before: B. FLETCHER, HAWKINS and THOMAS, Circuit Judges.

This is a petition for review from the denial of petitioners' applications for  
cancellation of removal.

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\* This disposition is not appropriate for publication and may not be  
cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

\*\* This panel unanimously finds this case suitable for decision without  
oral argument. *See* Fed. R. App. P. 34(a)(2).

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Respondent's motion for summary disposition is granted because the questions raised by this petition for review are so insubstantial as not to require further argument. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam) (stating standard).

Petitioners do not challenge the finding that they lack a qualifying relative to establish eligibility for cancellation of removal. *See* 8 U.S.C. § 1229b(b)(1)(D); *Vasquez-Zavala v. Ashcroft*, 324 F.3d 1105, 1107 (9th Cir. 2003). Further, petitioners' challenge to being placed in removal rather than deportation proceedings is foreclosed by *Jimenez-Angeles v. Ashcroft*, 291 F.3d 594, 598-99 (9th Cir. 2002).

**PETITION FOR REVIEW DENIED.**